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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,856	10/22/2001	Kailash C. Vasudeva	PAT 51400B-2	7754

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EXAMINER

TRAN, HANH VAN

ART UNIT PAPER NUMBER

3637

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/982,856	<b>Applicant(s)</b> VASUDEVA, KAILASH C.	
	<b>Examiner</b> Hanh V. Tran	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4-8 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-8 and 14-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/10/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/30/2005 has been entered.

#### ***Double Patenting***

2. Claims 1, and 17-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 5,887,715 in view of USP 5,803,254 to Vasudeva.

USP 5,887,715 claims all the elements recited in the above listed claims except for a retention means for retaining the outer faces of the bins; wherein the bin retention means being a flexible tab of plastic.

USP 5,803,254 teaches the idea of providing a retention means for retaining the outer faces of the bins in the closed position; wherein the bin retention means being a flexible tab of plastic. Therefore it would have been obvious and well within the level of one skill in the art to modify the structure of USP 5,887,715 by providing a retention means for retaining the outer faces of the bins in the closed position; wherein the bin retention means being a flexible tab of plastic, as taught by USP 5,803,254, since both teach alternate conventional storage compartments structure, used for the same intended purpose, thereby providing structure as claimed.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1, 4, 6, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 4,815,795 to Accumanno et al in view of USP 4,892,367 to Jantzen and 5,803,254 to Vasudeva.

Accumanno et al discloses an organizer comprising all the elements recited in the above listed claims including, such as shown in Figs 1-2, a plurality of holders 70, a plurality of container units 116, Figs 3-5, each container unit comprising a housing 118 having opposing side walls and a releasable latching mechanism 156 for engaging the holder to secure the container unit 116 in the holder 70, a plurality of storage slots provided within the container unit for holding articles therein; wherein two said holders connected back to back, each holder releasably engages a plurality of container units. The differences being that Accumanno et al fails to disclose the container unit having a plurality of bins mounted between said side walls for rotation

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between closed and open positions, such that in said closed position, outer faces of said bins are generally coplanar and retained via bin retention means, and in said open position, said outer faces each angle outwardly from said housing, thereby providing access into said bins, said bins being connected together for movement in unison, said outer faces occupying substantially all of a front portion of said housing.

Jantzen teaches the idea of providing a container unit comprising a housing having opposing side walls 3, a plurality of pivoting bins mounted between said side walls for rotation between closed and open positions, such that in said closed position, outer faces of said bins are generally coplanar, and in said open position, said outer faces each angle outwardly from said housing, thereby providing access into said bins, said bins being connected together for movement in unison, said outer faces occupying substantially all of a front portion of said housing, such that the pivoting bins provide easy access to articles stored therein. Vasudeva teaches the idea of providing a retention means for retaining the outer faces of the bins in the closed position; wherein the bin retention means being a flexible tab of plastic. Therefore, it would have been obvious to modify the structure of Accumanno et al by providing the container unit with a plurality of pivoting bins mounted between said side walls for rotation between closed and open positions, such that in said closed position, outer faces of said bins are generally coplanar and retained via bin retention means, and in said open position, said outer faces each angle outwardly from said housing, thereby providing access into said bins, said bins being connected together for movement in unison, said outer faces occupying substantially all of a front portion of said housing, such that the pivoting bins provide easy access to articles stored therein, as taught by Jantzen and Vasudeva, since the references teach alternate conventional

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container unit structure, used for the same intended purpose of storing articles, thereby providing structure as claimed.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Accumanno et al, as modified, as applied to claim 1 above, and further in view of USP 6,062,416 to Smillie.

Accumanno et al, as modified, discloses all the elements as discussed above except for said holder providing a common vertical center wall, such that said container unit being securable to either side thereof.

Smillie teaches the idea of a holder housing having a plurality of bins being separated by a common vertical center wall in order to increase versatility of the holder. Therefore, it would have been obvious to modify the structure of Accumanno et al, as modified, by providing the holder with a common vertical center wall in order to increase versatility of the holder, as taught by Smillie, since both teach alternate conventional organizer structure, used for the same intended purpose of storing articles, thereby providing structure as claimed.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Accumanno et al, as modified, as applied to claim 1 above, and further in view of USP 5,758,769 to Vasudeva.

Accumanno et al, as modified, discloses all the elements as discussed above except for the releasable latching mechanism is a set of tabs for releasably engaging a set of slots in the holder, and a catch.

Vasudeva teaches the idea of securing a member to a housing by providing a releasable latching mechanism, said releasable latching mechanism being a set of tabs 13 for releasably engaging a set of slots 14 in the housing, and a catch 15 in order to provide a sturdy, yet quick and easy securement of the member to the housing. Therefore, it would have been obvious to

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modify the releasable latching mechanism of Accumanno et al, as modified, by providing a set of tabs for releasably engaging a set of slots in the holder, and a catch in order to provide a sturdy, yet quick and easy securement of the container unit to the holder, as taught by Vasudeva, since both teach alternate conventional releasable latching mechanism for securing a member to a housing, thereby providing structure as claimed.

8. Claims 1, 4-7, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 3,485,543 to Selden et al in view of USP 4,815,795 to Accumanno et al, USP 4,892,367 to Jantzen, and USP 5,803,254 to Vasudeva.

Selden et al discloses an organizer comprising, such as shown in Fig 1, a plurality of holders 13, a container unit 26 including a housing having opposing side walls hingedly connected to one of said holders 13; wherein two said holders are hinged to each other along one side thereof by a hinge 24 and connected side by side, such as shown in Fig 7. The differences being that Selden et al does not disclose the container unit having a releasable latching mechanism for engaging the holder 13 to secure the container unit in the holder, and a plurality of bins mounted between said side walls for rotation between closed and open positions, such that in said closed position, outer faces of said bins are generally coplanar and retained via bin retention means of a flexible plastic tab, and in said open position, said outer faces each angle outwardly from said housing, thereby providing access into said bins, said bins being connected together for movement in unison, said outer faces occupying substantially all of a front portion of said housing.

Accumanno et al teaches the idea of an organizer having a holder 70, a container unit 116 having a releasable latching mechanism 156 for engaging the holder to secure the container unit

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in the holder, yet allowing the container unit to be easily portable. Jantzen teaches the idea of providing a container unit comprising a housing having opposing side walls 3, a plurality of pivoting bins mounted between said side walls for rotation between closed and open positions, such that in said closed position, outer faces of said bins are generally coplanar, and in said open position, said outer faces each angle outwardly from said housing, thereby providing access into said bins, said bins being connected together for movement in unison, said outer faces occupying substantially all of a front portion of said housing, such that the pivoting bins provide easy access to articles stored therein. Vasudeva '254 teaches the idea of providing a retention means for retaining the outer faces of the bins in the closed position; wherein the bin retention means being a flexible tab of plastic. Therefore, it would have been obvious to modify the structure of Selden et al by replacing the hinge structure with a releasable latching mechanism for engaging the holder in order to secure the container unit in the holder, yet allowing the container unit to be easily portable, as taught by Accumanno et al, and providing the container unit with a plurality of pivoting bins mounted between said side walls for rotation between closed and open positions, such that in said closed position, outer faces of said bins are generally coplanar, and in said open position, said outer faces each angle outwardly from said housing, thereby providing access into said bins, said bins being connected together for movement in unison, said outer faces occupying substantially all of a front portion of said housing, such that the pivoting bins provide easy access to articles stored therein, as taught by Jantzen, and providing a retention means for retaining the outer faces of the bins in the closed position; wherein the bin retention means being a flexible tab of plastic, as taught by Vasudeva, since the references teach alternate conventional container unit



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structure, used for the same intended purpose of storing articles, thereby providing structure as claimed.

*Response to Arguments*

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT  
July 11, 2005

  
**Hanh V. Tran**  
**Art Unit 3637**